

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5932 of 2007()

CRMP.3295/2007 of II ADDL.SESIONS COURT, PALAKKAD
CRIME NO. 340/2007 OF THE ALATHUR POLICE STATION, PALAKKAD

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PETITIONERS/ACCUSED NOS. 1 TO 5,7 & 8

1. E.A.KAMALAM, W/O SIVADASAN,
CHIRAKODE VEEDU, ATHIPOTTA,
ALATHUR TALUK, PALAKKAD DISTRICT.
2. USHA, W/O KOCHU,
CHIRAKODE VEEDU, ATHIPOTTA,
ALATHUR TALUK, PALAKKAD DISTRICT.
3. RADHIKA, W/O VIJAYAN,
CHIRAKODE VEEDU, ATHIPOTTA,
ALATHUR TALUK, PALAKKAD DISTRICT.
4. THANKAMANI, W/O KRISHNAN,
CHIRAKODE VEEDU, ATHIPOTTA,
ALATHUR TALUK, PALAKKAD DISTRICT.
5. LATHA, W/O RADHAKRISHNAN,
CHIRAKODE VEEDU, ATHIPOTTA,
ALATHUR TALUK, PALAKKAD DISTRICT.
6. SIVARAJAN, S/O EACHARAN,
CHIRAKODE VEEDU, ATHIPOTTA,
ALATHUR TALUK, PALAKKAD DISTRICT.
7. PONNU, W/O VELAYUDHAN,
CHIRAKODE VEEDU, ATHIPOTTA,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.LIJU. M.P
SRI.M.SUGADHA KUMAR

RESPONDENTS:

STATE, REP. BY S.I. OF POLICE,
ALATHUR POLICE STATION, ALATHUR.
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. S.U.NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
= = = = =
B.A.No. 5932 of 2007
= = = = =

Dated this the 1st day of October, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations for offences punishable inter alia under Sec.452 and 379 IPC. All other offences are bailable. The allegation under Sec.379 IPC has been found in the investigation to be unsustainable therefore, at present the only non-bailable offence alleged is under Sec.452 IPC. One person-Krishnan Kutty by name had committed suicide. The accused in this case are friends and relatives of the said Krishnan Kutty. They allegedly entertain an impression that one Manikyan was responsible for such commission of suicide by the said Krishnan Kutty. On account of that animosity the accused persons in this crime constituted themselves into an unlawful assembly and went to the house of the said Manikyan and in the presence of the wife of the de facto complainant accused persons then indulged objectionable culpable conduct in the house of the de facto complainant /Manikyan. This in short is the allegation. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Even assuming that the

petitioners have gone to the house of the said Manikyan that by itself does not constitute any offence. They have reason to be present there. They have not indulged in any culpable overt acts. In these circumstances, the petitioner may be granted anticipatory bail. The learned Sessions Judge who granted anticipatory bail to the father of the victim has unfortunately not granted bail to the petitioners herein. The said Manikyan has already been arrested in the crime relating to the death of Krishnan Kutty, it is further submitted.

3. The learned Public Prosecutor does not oppose the said application for anticipatory bail and I am satisfied that anticipatory bail can be granted to the petitioners, subject to appropriate conditions.

In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 8.10.2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3

p.m on 9.10.2007 and 10.10.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 8.10.2007, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 8.10.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE